IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE

AND VARIANCE - SW/Corner York Road

and Warren Road * ZONING COMMISSIONER

8th Election District

4th Councilmanic District * OF BALTIMORE COUNTY

Exxon Corporation * Case No. 96-262-XA

Petitioner

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property located at the southwest corner of York Road and Warren Road in Cockeysville. The Petitions were filed by the owner of the property, Exxon Corporation, by Michael J. Specht (Agent/Attorney in Fact), through G. Scott Barhight, Esquire, and David K. Gildea, Esquire. The Petitioner seeks a special exception for a fuel service station use in combination with a convenience store and a fast food restaurant with an ancillary use (automatic teller machine). In addition to special exception approval, the Petitioner seeks variance relief from Section 413.2(f) of the Baltimore County Zoning Regulations to permit a double-sided freestanding identification sign of 185.80 sq.ft. in lieu of the maximum permitted 100 sq.ft. sign. The subject property and relief sought are more particularly described on the four-page site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Michael Specht and David Straub, representatives of Exxon Corporation, Kenneth Schmid, a Traffic Consultant, Tim Madden, Professional Engineer with Morris & Ritchie Associates, David Wang, Professional Engineer with Frederick Ward and Associates, and David K. Gildea, Esquire, Attorney for the Petitioners. There were no Protestants present.

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At the onset of the hearing, Counsel for the Petitioner amended its variance request to permit a total freestanding signage area of 310.19 sq.ft. Apparently, the Petitioner failed to include the square footage for both sides of the proposed signs in its calculation. The Petition was amended accordingly and the hearing proceeded on the merits of the revised request.

Testimony and evidence offered revealed that the subject property consists of 1.7616 acres, more or less, split zoned M.L.-A.S., M.L.-I.M., and B.R.-C.N.S., and is presently unimproved. The Petitioner is desirous of developing the property with a fuel service station and combination convenience store and fast food restaurant use in accordance with Petition-In addition to the proposed uses in combination, the er's Exhibit 1. Petitioner proposes to install an automatic teller machine to provide convenient banking services for its customers. Testimony indicated that the proposed use in combination of a fuel service station and convenience store with a fast food restaurant are uses permitted by special exception; however, a variance is necessary for the proposed identification signs. Testimony revealed that the subject property was previously part of a larger parcel owned by the Baltimore Gas and Electric Company and was created as a result of the construction of Warren Road. The site is conveniently located near the Cockeysville business community, with major access to Interstate 83. Due to the number of uses proposed for this site and its location at this heavily travelled intersection, the Petitioner proposes to erect two double-faced signs to identify the multi-uses on the site; one sign would be located on York Road, and the other on Warren Road. The Petitioner testified that the proposed use in combination with a fast food restaurant and automatic teller machine is the first of its kind

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and that the subject site will serve as a proto-type for future locations. The Petitioner argued that the uses proposed are compatible with the surrounding locale and will not be detrimental to the public health, safety and general welfare.

It is clear that the B.C.Z.R. permits the use proposed in the M.L.-A.S., M.L.-I.M., and B.R.-C.N.S. zones by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone.

Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception and variance requested should be granted.

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THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of April, 1996 that the Petition for Special Exception for a fuel service station use in combination with a convenience store and a fast food restaurant with an ancillary use (automatic teller machine), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.2(f) of the Baltimore County Zoning Regulations to permit two double-sided freestanding identification signs of 310.19 sq.ft. total, in lieu of the maximum permitted three business signs of 100 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- Compliance with the Zoning Plans Advisory Committee (ZAC) comment submitted by the Development Plans Review Division dated January 26, 1996, a copy of which has been attached hereto and made a part hereof.
- 3) Except as shown on the site plan, there shall be no additional freestanding signs on the property, be they temporary or permanent. Such restriction shall include banners, balloons, flags, and other similar means of advertising.

When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

> LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bis

ORDER RECEIVĘD FØŖ FILING

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

April 22, 1996

David K. Gildea, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE SW/Corner York Road and Warren Road 8th Election District - 4th Councilmanic District Exxon Corporation - Petitioner Case No. 96-262-XA

Dear Mr. Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Michael J. Specht Exxon Corporation, 6301 Ivy Lane, Suite 700, Greenbelt, Md. 20770

People's Counsel

File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

York Road and Warren Road

96-262-XA

which is presently zoned

ME-AN

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Fuel Service Station use-in-combination with a convenience store and a fast food restaurant with an ancillary use automatic teller machine.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee.	Legal Owner(s):
	Exxon Corporation
(Type or Print Name)	(Type or Print Name)
Signature	Signature Signature
,	
Address	Michael J. Specht (Agent/Attornev-in Type or Print Name) Fact)
City State Zipcode	Signature
	6301 Ivv Ln., Ste. 700, 301-513-7511
Attorney tor Petitioner David K. Gildea	Address Phone No
G. Scott Barhight	Greenbelt, MD 20770
(Type or Print Name)	City State Zipcode
100 AV OAA	Name, Address and phone number of representative to be contacted. David K. Gildea
Vavid K. Gilden	G. Scott Barhight
Whiteford, Taylor & Preston	NameWhiteford, Taylor & Preston
210 W. Pennsylvania Avenue	210 W. Pennsylvania Ave 4th Fl.
Address Phone No.	Address Towson, MD 21204 Phone No. 832-2000
Towson, MD 21204 832-2000	
City State Zipcode	ESTIMATED LENGTH OF HEARING Urjayajjable for Hearing
July Administration of	the following dates Next Two Months
V 3	ALLOTHER
	REVIEWED BY: DATE 155-96



This

Petition for Variance

to the Zoning Commissioner of Baltimore County

for	the	property	located	at
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York Road and Warren Road

96-262 -XA	which is presently zoned	ML-AS ML-IM
Petition shall be filed with the Office of Zoning Administration & Develop	oment Management.	BR-CNS

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Seption ().

413.2(f) - To permit a 185.80 SF double-sided freestanding sign in lieu of the required 100 SF double-sided freestanding sign.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of penjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
(Type or Print Name)	Exxon Corporation (Type of Print Name)
Signature	Signature Signature
Address	Michael J. Specht (Agent/Attornev in (Type of Print Name) Fact)
Atomey for Petitioner: Barhight . David K. Gildea (Type or Print Name) Signature Whiteford, Taylor & Preston 210 W. Pennslvania Avenue Actions No. 1204 Phone No. 832-2000	Signature 6301 Ivv Lane Suite700 301-513-7511 Address Phone No. Greenbelt, MD 20770 City State Zipcode Name, Address and phone number of legal owner, contract purchaser or representative to be contacted. G. Scott Barhight David K. Gildea NameWhiteford, Taylor & Preston
Stare Zipcode	210 W. Pennsylvania Ave., 4th Fl. Address Towson, MD 21204 Phone No. 832-2000
The state of the s	ESTIMATED LENGTH OF HEARING Unavailable for Hearing the following dates Heat Two Months
	ALL OTHER DATE 15-96 #
MICROFILMED	REVIEWED BY: DATE 13 16



Frederick Ward Associates, Inc. 96-262-XA

ENGINEERS · ARCHITECTS · SURVEYORS

ZONING DESCRIPTION

Proposed Exxon Station York Road at Warren Road Eighth Election District Baltimore County, Maryland

BEGINNING for the same at a point on the easterly right-of-way line of Maryland Route 45, York Road at the beginning of the first course of that tract or land conveyed to the Baltimore Gas and Electric Company Foundation as recorded in Liber SM 10872, folio 255. Thence on the outlines of said conveyance.

- North 85°02'04" West 281.40 feet, 1)
- 2) North 04°57′56" 30.00 feet,
- North 85°02'04" West 425.05 feet to intersect the southerly right-of-way line of Warren Road. Thence along Warren Road,
- by a curve to the left in a northeasterly direction of radius 995.93 feet an arc distance of 151.03 feet and subtended by a chord North 81°42'02" East 150.88,
- 51 North 81°15'44" East 101.39 feet,
- by a curve to the left in a northeasterly direction of radius 1007.93 feet an arc distance of 108.16 feet and subtended by a chord North 68°31'10" East 108.11 feet,
- 7) North 65°26'43" East 113.30 feet,
- 8) North 69°18'24" East 96.45 feet,
- by a curve to the right in a southeasterly direction of radius 65.00 feet an arc distance of 103.35 feet and subtended by a chord South 65°08'39" East 92.80 feet to a point on the easterly right-of-way of York Road, thence binding thereon,
- 10) South 19°35'43" East 105.67 feet,
- 11) South 19°52'54" East 50.01 feet,
- 12) South 17°35'24" East 50.01 feet,

less.

13) South 21°01'35" East 16.84 feet to the point of beginning hereof.

CONTAINING 1.7616 acres (76736 square feet) of/and mone

ZOMING DEPARTMENT OF BALTIMORE COUNTY Towner, Maryland CERTIFICATE OF POSTING

NOTICE OF HEARING

The Zaming Commissioner of Battindre County, by authority of the Zoning Act and Regulations of Battimore County will hold a public hearing on the property Identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-262-XA (Item 262) Exxon Corporation SWC York and Warren Roads 8th Election District

stit Election District
4th Councilmanic
Legal Owner(s):
Exoan Corporation
Special Exception: for fuel
service station use-incombination with a convenience store and fast food restaurant, with an ancillary use
eutomatic teller machine.
Variance: to permit, a 185.8
sq. ft. double-ideal freestanding sign for leg of the required 100 eq. ft. double-sided
tree-standing sign for the double-sided
tree-standing sign for the footbale-sided
tree-s

LAWRENCE E. SCHMIDT Zoning Commissioner for Battimore County NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

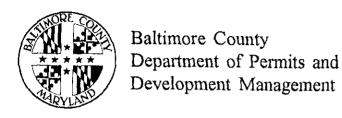
1/206 Jan. 25 C27823

CERTIFICATE OF PUBLICATION

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TOWSON, MI	D.,	1/25	, 19 <i>96</i>
THIS IS TO CERTIFY	, that the anne	xed advertis	ement was
published in THE JEFFERS	ONIAN, a weekl	y newspape	r published
in Towson, Baltimore County			
weeks, the first publication a	appearing on	1/25	_, 19%
	THE JEFF	ERSONIA	N,
a	. Hen	reles	No
	LEGAL AD	TOWSON	

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BALTIMORE COUNTY, MARYLAND	
OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT 96-262-XA	
DATE 1-5-95 ACCOUNT R-001-6150	
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# 050 - Commercial Special Exception fee - \$ 300	
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MISCELLANEOUS CASH RECEIPT	
DATE 6/4/96 ACCOUNT 001-6150	
AMOUNT \$ 40.00 (JLL)	
RECEIVED Whiteford, Taylor & Preston	
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WHITE-CASHIER PINK - AGENCY YELLOW - CUSTOMER	,,
BALTIMORE COUNTY, MARYLAND	arret
OFFICE OF BUDGET & FINANCE No. MISCELLANEOUS RECEIPT O42615	
PROCESS ACTUAL 134 ///3/1997 8/13/1997 09:42	
DATE 0/13/97 ACCOUNT R-001-6150 REG WOU CASHIER CLIM CH. DR	
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AMOUNT \$ 40.00 (JLL) CR NO. 042615	CHECK
Baltimore County, Maryla	
FOR: LOST TO BOOK TOURS	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER CASHIER'S VALIDATION CASHIER'S VALIDATION	ON



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come 2) from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item (No.: 262
Petitioner: Exxun Corporation
Location: Southwest Comer of Yorkand Warrens Peds.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: David K. gilden, Whiteford, Taylor: Preston
ADDRESS: 210 U. Penn. Ave. Sule 400
Towan, Md. 21204
PHONE NUMBER: 410) 837-2000
AJ:ggs (Pawing 04/09/93)

TO: PUTUKENT PUBLISHING COMPANY
January 25, 1996 Issue - Jeffersonian

Please foward billing to:

David K. Gildea, Esq.
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue #400
Towson, MD 21204
832-2000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-262-XA (Item 262)

Exxon Corporation

SWC York and Warren Roads

8th Election District - 4th Councilmanic

Legal Owner: Exxon Corporation

Special Exception for fuel service station use-in-combination with a convenience store and fast food restaurant with an ancillary use automatic teller machine.

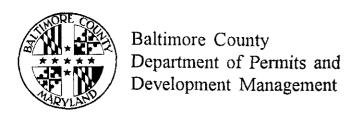
Variance to permit a 185.8 sq. ft. double-sided free-standing sign in lieu of the required 100 sq. ft. double-sided free-standing sign.

HEARING: WEDNESDAY, FEBRUARY 14, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Permits and Licenses County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3900

Fax: (410) 887-2824

January 19, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-262-XA (Item 262)

Exxon Corporation

SWC York and Warren Roads

8th Election District - 4th Councilmanic

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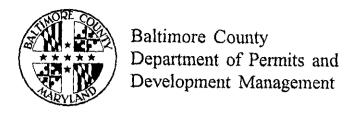
Arnold Jablon Director

cc:

Exxon Corportion David K. Gildea, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Permits and Licenses County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3900

Fax: (410) 887-2824

February 7, 1996

David K. Gildea, Esquire G. Scott Barhight, Esquire Musceford, laytor & Preston 21) J. lenneylvania Avenue Towson, MD 2:204

RE: Item No.: 262

Case No.: 96-262-XA

Petitioner: Exxon Corporation

Dear Mr. Cildea:

Ise Zonlay Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 5, 1996.

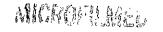
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.

Zoning Supervisor

NCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Jan. 26, 1996 Zoning Administration and Development Management

FROM: Chief Bowling, P.E., Chief Development Plans Review Division

RE: Zoning Advisory Committee Meeting for January 22, 1996

Item No. 262

The Development Plans Review Division has reviewed the subject zoning item. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

The channelized commercial entrance shall be built per Baltimore County Department of Public Works Standard Plate R-31. Note that the concrete median will be built beyond the right-of-way line for York Road.

Also, the existing fire hydrant at the proposed York Road entrance must be located 5 feet beyond point of curve of curb cut.

The submitted planting design needs considerably more vegetative bulk. The streetscape along Warren and York Roads must include significantly more major deciduous trees. Masses of low planting should also be a part of the streetscape area. The other landscape areas should be vegetated with layers of flowering trees and large growing shrubs. Submit a revised landscape plan for review prior to the hearing.

This site is subject to all Development Regulations and requirements.

RWB: SW

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: January 24, 1996

OT:

Arnold Jablon, Director

Permits and Development

Management

FROM:

Pat Keller, Director

Office of Planning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 253 and 262

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 01/17/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: EXXON CORPORATION

LOCATION: SWC YORK RD. AND WARREN RD.

Item No.: 262

Zoning Agenda: SPECIAL EXCEPTION/VARIANCE

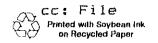
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F



Mark This

PETITION PROBLEMS

#254 --- JRA

1. No address, zip code, or telephone number on petition form for legal owner.

#255 --- MJK

1. Bottom of petition form states conditional approval was given - Where is it?

#259 --- MJK

- 1. No telephone number on petition forms for legal owner.
- 2. No signature for attorney on variance petition.

#262 --- JJS

- 1. No authorization for person signing for legal owner.
- 2. No hardship or practical difficulty listed on petition form.

#264 --- JJS

1. Where is undersized lot information?

#265 --- CAM

- 1. No signature for legal owner on variance petition.
- 2. No telephone number for legal owner on petition forms.
- No signature for attorney on variance petition.
- 4. No review information completed on bottom of variance petition.



* * * * * * * *	* *	* * *
Exxon Corporation Petitioner	*	CASE NO. 96-262-XA
Election District, 4th Councilmanic	*	OF BALTIMORE COUNTY
SWC York and Warren Roads, 8th	*	ZONING COMMISSIONER
RE. PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE	*	BEFORE THE

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _______ day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., and G. Scott Barhight, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorneys for Petitioner.

Pater MAX ZIMMERMAN

WHITEFORD, TAYLOR & PRESTON L.L.P.

210 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4515

410 832-2000

AND PURW

1317 KING STREET ALEXANDRIA, VIRGINIA 22314-2928 TELEPHONE 703 836-5742

1025 CONNECTICUT AVENUE, NW WASHINGTON, D.C. 20036-5405 RELITY

FAX 202 331-0573

TELEPHONE 202 659-6800 FROM AU

wway.

FAX 703 836-0265

DAVID K. GILDEA

SEVEN SAINT PAUL STREET

BALTIMORE, MARYLAND 21202-1626

TELEPHONE 410 347-8700

FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER

10440 LETTLE PATUXENT PARKWAY

COLUMBIA, MARYLAND 21044

TELEPHONE 410 884-0700

FAX 410 884-0719

DIRECT NUMBER 2029539@mcimatl.com

May 31, 1996

VIA HAND DELIVERY

Mr. Arnold Jablon, Director Office of Permits & Development Management Room 109, 111 W. Chesapeake Avenue Towson, Maryland 21204

Re:

Spirit and Intent Request

Exxon Station at 10410 York Road

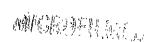
Case No. 96-262-XA Our File: 02951/00014

Dear Mr. Jablon:

Exxon Corporation, by and through its attorneys, David K. Gildea and Whiteford, Taylor & Preston L.L.P. hereby requests a revision to the previously approved plan within the spirit and intent of Case No. 96-262-XA.

On April 22, 1996, Zoning Commissioner Lawrence E. Schmidt granted a special exception to permit a fuel service station use and combination with a convenience store and a fast food restaurant with an ancillary use (automatic teller machine). I have attached a copy of Zoning Commissioner Schmidt's opinion and order for your review.

Exxon proposes to revise the previously approved special exception to change the previously approved canopy from 38' X 82' to 44' X 86'. Exxon also proposes to revise the previously approved canopy extension from 64'-10" X 16' to 58'-4" X 19'-3" feet. The proposed change in the canopy is to better serve the general public by providing more protection to individuals while fueling at the pump aisles.



The larger canopy will better serve Exxon's customers by protecting them from the elements. I have attached three (3) copies of the proposed plan with revisions.

On November 15, 1995, the DRC granted a limited exemption under Section 26-171(b)(9) of the Baltimore County Development Regulations.

The proposed revisions to the site are within the spirit and intent of the Baltimore County Zoning Regulations and the previously approved plan in Case No. 96-262-XA. The only revision to the previously approved plan is placing a larger canopy and canopy extension on the site to better protect the general public and consumers at the site. Exxon respectfully requests that the revisions be approved within the spirit and intent of Case No. 96-262-XA.

Thank you for your consideration and I look forward to hearing from you soon. Should you have any questions or comments, please call me.

Very truly yours,

David K. Gildea

DKG:mbb

Enclosures

cc: Mr. Michael J. Specht (w/o enclos.) Mr. Timothy Whittie (w/o enclos.) Speed

in the interest of speed and accromy, we are replying to your letter with marginal notes if you need more information, do not hesitate to call or write. Thank you for your interest,

76326

8th Election District June 12, 1996

Dear Mr. Gildea:

The red-lined plan revisions showing the canopy changes, which were received on 6/11/96, are approved as being within the spirit and intent of the approved plan and order in case #96-262-XA. No zoning public hearing will be required. Please document this approval on all future plans.

John L. Lewis
Planner II Zoning Royi

Planner II, Zoning Review

P.S.: A copy of this approved plan is being returned for your files.

Exxon Station - 10410 York Road

Arnold Jablon, Director August 12, 1997 Page 2

The proposed revisions to the site are within the spirit and intent of the Baltimore County Zoning Regulations and the previously approved plan in Case No. 96-262-XA, and Exxon respectfully requests that the revisions be approved within the spirit and intent of that case.

Thank you for your consideration and I look forward to hearing from you soon. Should you have any questions or comments, please contact me.

Very truly yours,

David K. Gildea

DKG:dmk

Speed

In the interest of speed and economy, we are making to your letter with marginal makes.

If you need more advantation, do not health to collaramite.

August 19, 1997

8th Election District

Dear Mr. Gildea:

The staff will consider the red-lined canopy revision to be within the spirit and intent of the order and approved plan in case #96-262-XA subject to the following conditions.

Provide two (2) copies of the approved (6/11/96) spirit and intent red-line plans with the new revisions to this office with a copy of this letter for inclusion into the zoning case file.

Document this response on all future plans along with confirmation that the Office of Planning and the Department of Public Works also approve the changes with the date and the name of the agency representative.

Very truly yours,

John L. Lewis Planner II Zoning Review

JLL:rye

c: zoning case #96-262-XA



Baltimore County Government
Department of Permits and
Development Management

DEC 7 1995

WHITEFORD, TAYLOR & PRESTON



111 West Chesapeake Ave. Towson, Md. 21204

(410) 887-3321

November 30, 1995

Whiteford, Taylor and Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204-4515

RE: Exxon Station

York and Warren Roads

DRC Number 11275H, Dist. 8C4

Dear Sir:

Pursuant to Article 25A, Section 5(U) of the Annotated Code of Maryland and as provided in Section 602(d) of the Baltimore County Charter and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal or modification of a license, permit, approval, exemption, waiver or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to insure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has in fact met in an open meeting on November 27, 1995 and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 26-171(b)(9).

Whiteford, Taylor and Preston Exxon Station York and Warren Road November 30, 1995 Page 2

I have reviewed the recommendations carefully and I have determined to adopt the recommendations set forth above. It is this 30th day of November, 1995, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for a building permit, your application will therefore be approved subject to the conditions set forth above.

Additionally, this project is located on a state road; therefore, the State Highway Administration requires the plan to be reviewed prior to permit approval. For further information, contact Robert Small at 545-5581.

Sincerely,

Arnold Jabion

arnold Jollan

Director

AJ:DTR:KAK:aw c: Larry Pilson Susan Wimbley File





Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

April 22, 1996

David K. Gildea, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE SW/Corner York Road and Warren Road 8th Election District - 4th Councilmanic District Exxon Corporation - Petitioner Case No. 96-262-XA

Dear Mr. Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Michael J. Specht
Exxon Corporation, 6301 Ivy Lane, Suite 700, Greenbelt, Md. 20770

People's Counsel

File

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE

AND VARIANCE - SW/Corner York Road

and Warren Road * ZONING COMMISSIONER

8th Election District

4th Councilmanic District * OF BALTIMORE COUNTY

Exxon Corporation

* Case No. 96-262-XA

Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property located at the southwest The Petitions were corner of York Road and Warren Road in Cockeysville. filed by the owner of the property, Exxon Corporation, by Michael J. Specht (Agent/Attorney in Fact), through G. Scott Barhight, Esquire, and David K. Gildea, Esquire. The Petitioner seeks a special exception for a fuel service station use in combination with a convenience store and a fast food restaurant with an ancillary use (automatic teller machine). In addition to special exception approval, the Petitioner seeks variance relief from Section 413.2(f) of the Baltimore County Zoning Regulations to permit a double-sided freestanding identification sign of 185.80 sq.ft. in lieu of the maximum permitted 100 sq.ft. sign. The subject property and relief sought are more particularly described on the four-page site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Michael Specht and David Straub, representatives of Exxon Corporation, Kenneth Schmid, a Traffic Consultant, Tim Madden, Professional Engineer with Morris & Ritchie Associates, David Wang, Professional Engineer with Frederick Ward and Associates, and David K. Gildea, Esquire, Attorney for the Petitioners. There were no Protestants present.

At the onset of the hearing, Counsel for the Petitioner amended its variance request to permit a total freestanding signage area of 310.19 sq.ft. Apparently, the Petitioner failed to include the square footage for both sides of the proposed signs in its calculation. The Petition was amended accordingly and the hearing proceeded on the merits of the revised request.

Testimony and evidence offered revealed that the subject property consists of 1.7616 acres, more or less, split zoned M.L.-A.S., M.L.-I.M., and B.R.-C.N.S., and is presently unimproved. The Petitioner is desirous of developing the property with a fuel service station and combination convenience store and fast food restaurant use in accordance with Petition-In addition to the proposed uses in combination, the er's Exhibit 1. Petitioner proposes to install an automatic teller machine to provide convenient banking services for its customers. Testimony indicated that the proposed use in combination of a fuel service station and convenience store with a fast food restaurant are uses permitted by special exception; however, a variance is necessary for the proposed identification signs. Testimony revealed that the subject property was previously part of a larger parcel owned by the Baltimore Gas and Electric Company and was created as a result of the construction of Warren Road. The site is conveniently located near the Cockeysville business community, with major access to Interstate 83. Due to the number of uses proposed for this site and its location at this heavily travelled intersection, the Petitioner proposes to erect two double-faced signs to identify the multi-uses on the site; one sign would be located on York Road, and the other on Warren Road. The Petitioner testified that the proposed use in combination with a fast food restaurant and automatic teller machine is the first of its kind and that the subject site will serve as a proto-type for future locations. The Petitioner argued that the uses proposed are compatible with the surrounding locale and will not be detrimental to the public health, safety and general welfare.

It is clear that the B.C.Z.R. permits the use proposed in the M.L.-A.S., M.L.-I.M., and B.R.-C.N.S. zones by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception and variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of April, 1996 that the Petition for Special Exception for a fuel service station use in combination with a convenience store and a fast food restaurant with an ancillary use (automatic teller machine), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

relief from Section 413.2(f) of the Baltimore County Zoning Regulations to permit two double-sided freestanding identification signs of 310.19 sq.ft. total, in lieu of the maximum permitted three business signs of 100 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee (ZAC) comment submitted by the Development Plans Review Division dated January 26, 1996, a copy of which has been attached hereto and made a part hereof.
- 3) Except as shown on the site plan, there shall be no additional freestanding signs on the property, be they temporary or permanent. Such restriction shall also include banners, balloons, flags, and other similar means of advertising.

4) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

10:19

John .

5/1/96

GREG Reed.

838-7900

MAKING COPY OF PET
EX 1 FOR RED

LINESTE SUBMITAL

262 ML-IM D.R. 3.5 D BR 90-479 -SPH ATHLETIC FIELD BRECON BR BR-O.R.H SITE C5-2 BR-CNS Notice of the state of SCALE 1":200' DATE 12-20-45 FREDERICK, WARD ASSOCIATES. INC. CH'. BY DR. BY ENGINEERS-ARCHITECTS-SURVEYORS C.Y.F. 5 SOUTH MAIN STREET JOB' NO. PLAT NO. BEL AIR. MARYLAND 21014-0727 16-262-X 14101838-7900 (410)879-2090

This matter comes before the Zoning Commissioner as Petitions for

Special Exception and Variance for that property located at the southwest corner of York Road and Warren Road in Cockeysville. The Petitions were filed by the owner of the property, Exxon Corporation, by Michael J. Specht (Agent/Attorney in Fact), through G. Scott Barhight, Esquire, and David K. Gildea, Esquire. The Petitioner seeks a special exception for a fuel service station use in combination with a convenience store and a fast food restaurant with an ancillary use (automatic teller machine). In addition to special exception approval, the Petitioner seeks variance relief from Section 413.2(f) of the Baltimore County Zoning Regulations to permit a double-sided freestanding identification sign of 185.80 sq.ft. in lieu of the maximum permitted 100 sq.ft. sign. The subject property and relief sought are more particularly described on the four-page site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Michael Specht and David Straub, representatives of Exxon Corporation, Kenneth Schmid, a Traffic Consultant, Tim Madden, Professional Engineer with Morris & Ritchie Associates, David Wang, Professional Engineer with Frederick Ward and Associates, and David K. Gildea, Esquire, Attorney for the Petitioners. There were no Protestants present.

At the onset of the hearing, Counsel for the Petitioner amended its variance request to permit a total freestanding signage area of 310.19 sq.ft. Apparently, the Petitioner failed to include the square footage for both sides of the proposed signs in its calculation. The Petition was amended accordingly and the hearing proceeded on the merits of the revised request.

Testimony and evidence offered revealed that the subject property consists of 1.7616 acres, more or less, split zoned M.L.-A.S., M.L.-I.M., and B.R.-C.N.S., and is presently unimproved. The Petitioner is desirous of developing the property with a fuel service station and combination convenience store and fast food restaurant use in accordance with Petitioner's Exhibit 1. In addition to the proposed uses in combination, the Petitioner proposes to install an automatic teller machine to provide convenient banking services for its customers. Testimony indicated that the proposed use in combination of a fuel service station and convenience store with a fast food restaurant are uses permitted by special exception; however, a variance is necessary for the proposed identification signs. Testimony revealed that the subject property was previously part of a larger parcel owned by the Baltimore Gas and Electric Company and was created as a result of the construction of Warren Road. The site is conveniently located near the Cockeysville business community, with major access to Interstate 83. Due to the number of uses proposed for this site and its location at this heavily travelled intersection, the Petitioner proposes to erect two double-faced signs to identify the multi-uses on the site; one sign would be located on York Road, and the other on Warren Road. The Petitioner testified that the proposed use in combination with a fast food restaurant and automatic teller machine is the first of its kind

- 2-

and that the subject site will serve as a proto-type for future locations. The Petitioner argued that the uses proposed are compatible with the surrounding locale and will not be detrimental to the public health,

It is clear that the B.C.Z.R. permits the use proposed in the M.L.-A.S., M.L.-I.M., and B.R.-C.N.S. zones by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

- 3-

safety and general welfare.

zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

An area variance may be granted where strict application of the

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception and variance requested should be granted.

- 4-

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltiday of April, 1996 that the Petition for Special Exception for a fuel service station use in combination with a convenience store and a fast food restaurant with an ancillary use (automatic teller machine), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.2(f) of the Baltimore County Zoning Regulations to permit two double-sided freestanding identification signs of 310.19 sq.ft. total. in lieu of the maximum permitted three business signs of 100 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted harein shall be rescinded.

2) Compliance with the Zoning Plans Advisory Committee (ZAC) comment submitted by the Development Plans Review Division dated January 26, 1996, a copy of which has been attached hereto and made a part hereof.

3) Except as shown on the site plan, there shall be no additional freestanding signs on the property, be they temporary or permanent. Such restriction shall also include banners, balloons, flags, and other similar means of advertising.

4) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

April 22, 1996

David K. Gildea, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE SW/Corner York Road and Warren Road 8th Election District - 4th Councilmanic District Exxon Corporation - Petitioner Case No. 96-262-XA

Dear Mr. Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

cc: Mr. Michael J. Specht Exxon Corporation, 6301 Ivy Lane, Suite 700, Greenbelt, Md. 20770 People's Counsel

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at York Road and Warren Road which is presently zoned MI. AS

This Petition shall be illed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Saltimore County, to use the

Fuel Service Station use-in-combination with a convenience store and a fast food restaurant with an ancillary use automatic teller

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	legal owner(s) of the property which is the subject of this Petition.
ct Purchaser/Lessee:	Legal Owner(s):
	Exxon Corporation .
zr Print Name)	(Type or Print Name;
	Viel VSD
art .	Signature
<u> </u>	Michael J. Specht (Agent/Attornev-in Type or Profit Name) Fact)
State Z-pcode	Signature
	6301 Ivv Ln., Ste. 700, 301-513-7511
y for Petitioner:	Address Phone No.
David K. Gildea G. Scott Barhight	Greenbelt, MD 20770
David K. Gelden	Name, Address and phone number of representative to be contacted. David K. Gildea G. Scott Barhight
whiteford, Taylor & Preston	NumeWhiteford, Taylor & Preston
210 W. Pennsylvania Avenue	210 W. Pennsylvania Ave., 4th Fl. Address Towson, MD 21204 Phone No. 832-2000
Fowson, MD 21204 832-2000	OFFICE USE ONLY

We do solemnly declare and affirm, under the penalties of perjury, that tiwe are the

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at York Road and Warren Road 96-262 -XA which is presently zoned This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sention (s) 413.2(f) - To permit a 185.80 SF double-sided freestanding sign in lieu of the required 100 SF double-sided freestanding sign.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

	, and a second second
Contract Pyrchaser/Lessee:	Whe do solemnly declare and affirm, under the penulties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Pention. Legal Owner(s):
(Type or Print Names	Exxon Corporation (Type or Frut Name)
Signature	Signature Signature
Address	Michael J. Specht (Agent/Attornev i
Amminey for Petitioner Barhight . David K. Gildea	6301 Ivy Lane Suite700 301-513-7511
David L. Glden	Address Phone No. Greenbelt, MD 20770 City State Ziccocs
Whiteford, Taylor & Preston 210 W. Pennslvania Avenue	Name, Address and phone number of legal owner, contract purchaser or representative to be contacted. G. Scott Barhight David K. Gildea
States Zpccode	NameWhiteford, Taylor & Preston 210 W. Pennsylvania Ave., 4th Fl. Address Towson, MD 21204 Phone No. 832-200
No. of the last of	OFFICE USE ONLY OFFICE
	the following dates Next Two Months

Frederick Ward Associates, Inc.

ENGINEERS - ARCHITECTS - SURVEYORS ZONING DESCRIPTION

> Proposed Exxon Station York Road at Warren Road Eighth Election District Baltimore County, Maryland

BEGINNING for the same at a point on the easterly right-of-way line of Maryland Route 45, York Road at the beginning of the first course of that tract or land conveyed to the Baltimore Gas and Electric Company Foundation as recorded in Liber SM 10872, folio 255. Thence on the outlines of said conveyance.

- 1) North 85°02'04" West 281.40 feet,
- 2) North 04°57′56" 30.00 feet,
- North 85°02'04" West 425.05 feet to intersect the southerly right-of-way line of Warren Road. Thence along Warren Road,
- 4) by a curve to the left in a northeasterly direction of radius 995.93 feet an arc distance of 151.03 feet and subtended by a chord North 81°42'02" East 150.88,
- 5) North 81°15'44" East 101.39 feet,

6) by a curve to the left in a northeasterly direction of radius 1007.93 feet an arc distance of 108.16 feet and subtended by a chord North 68°31'10" East 108.11 feet,

- 7) North 65°26'43" East 113.30 feet,
- 8) North 69°18'24" East 96.45 feet,

9) by a curve to the right in a southeasterly direction of radius 65.00 feet an arc distance of 103.35 feet and subtended by a chord South 65°08'39" East 92.80 feet to a point on the easterly right-of-way of York Road, thence binding thereon,

- 10) South 19°35'43" East 105.67 feet,
- 11) South 19°52'54" East 50.01 feet,
- 12) South 17°35'24" East 50.01 feet,

TO: PUTUXENT PUBLISHING COMPANY

Please foward billing to:

Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue #400

CASE NUMBER: 96-262-XA (Item 262)

Legal Owner: Exxon Corporation

double-sided free-standing sign.

ZONING CONMISSIONER FOR BALTIMORE COUNTY

8th Election District - 4th Councilmanic

restaurant with an ancillary use automatic teller machine.

HEARING: WEDNESDAY, FEBRUARY 14, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Exxon Corporation

LAWRENCE E. SCHMIDT

SWC York and Warren Roads

David K. Gildea, Esq.

Towson, MD 21204

January 25, 1996 Issue - Jeffersonian

13) South 21°01'35" East 16.84 feet to the point of beginning hereof.

CONTAINING 1.7616 acres (76736 square feet) of/and more

5 South Main Street + P.O. Box 727 + Bel Air, Maryland 21014 - [410] 838-7900 / 879-2090 + Fax [410] 893-1243

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

County, will hold a public hearing on the property identified herein in

Room 119, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Special Exception for fuel service station use-in-combination with a convenience store and fast food

Variance to permit a 185.8 sq. ft. double-sided free-standing sign in lieu of the required 100 sq. ft.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towner, Maryland

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District 8		Evention	_		Date of Post	ing 121	16
Posted for:	Shecial	Exception	! 			; ; ;	
Petitioner: .	Exxon Co	rporation					
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Location of	Stene SV	Corn	er of	Josh &	Ware	ralong	tont
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number of	Signs:						

Case: #96-262-XA (Item 262) Econ Corporation SWC York and Warren Roads service station use-in-combination with a conven-ience store and fast food restaurant with an ancillary use automatic teller machine. Variance: to permit a 185.8 sq. ft. double-sided free. standing sign in lieu of the re-quired 100 sq. ft. double-sided ree-standing sign. learing: Wednesday, Febru-ary 14, 1996 at 9:00 a.m. in Rm. 118, Old Courthouse. NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

1/206.Jan. 25 C27823

NOTICE OF HEARING

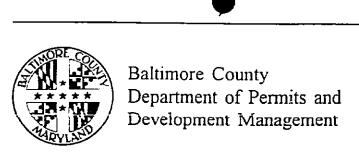
3

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on $\frac{125}{125}$, 19%.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON



Permits and Licenses County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3900 Fax: (410) 887-2824

January 19, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public bearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

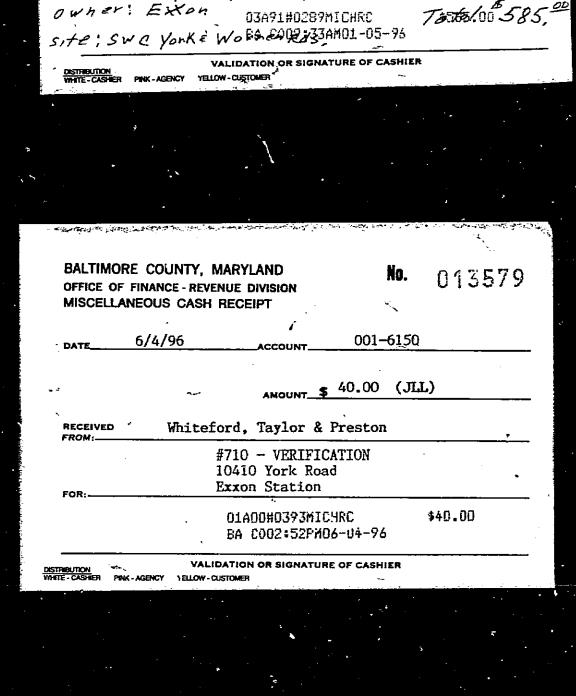
CASE NUMBER: 96-262-XA (Item 262) Excon Corporation SWC York and Warren Roads 8th Election District - 4th Councilmanic Legal Owner: Exxon Corporation

Special Exception for fuel service station use-in-combination with a convenience store and fast food restaurant with an ancillary use automatic teller machine. Variance to permit a 185.8 sq. ft. double-sided free-standing sign in lieu of the required 100 sq. ft. double-sided free-standing sign.

HEARING: WEDNESDAY, FEBRUARY 14, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

cc: Exxon Corportion

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



RECEIVED White ford Taylor & Preston

050 - Commercial Special Exception fee - \$ 300.

OFFICE OF FINANCE - REVENUE DIVISION

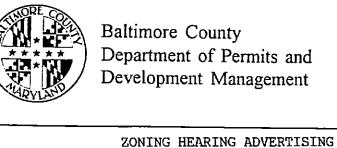
MISCELLANEOUS CASH RECEIPT

#020-

± 080 -

96-262-XA

Variance filing fee - 25000



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTICING FEES WILL STAY ISSUANCE OF ZONING ORDER.

	ARNOLD JABLO	N, DIRECTOR
For newspa	per_advertising;	
Item No.:_	262	
Petitioner	: Exxun Cappratu	
	Southwest Comer of yorkand !	Novem Pels
PLEASE FOR	WARD ADVERTISING BILL TO:	
name: Do	viel K. Gelden Whiteford, Taylor: P.	eston
	10 U. Penn Ave. Sut 400	
Tou	ran Md. 21204	
PHONE NUMB	14 1822	

Baltimore County
Department of Permits and
Development Management

Permits and Licenses County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3900 Fax: (410) 887-2824

February 7, 1996

David K. Gildea, Esquire G. Scott Barhight, Esquire Enriciora, Taylor & Preston 21) W. Dennsylvania Avenue Towson, ID 2:204

> RE: Item No.: 262 Case No.: 96-262-XA Petitioner: Exxon Corporation

Dear Mr. Gildea:

The Boning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 5, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

> D. Con Richard W. Carl Richards, Jr.

Zoning Supervisor

wcr, jw Attachment;s) BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Jan. 26, 1996 Zoning Administration and Development Management

FROM: Chief Bowling, P.E., Chief Weevelopment Plans Review Division

Zoning Advisory Committee Meeting for January 22, 1996 Item No. 262

The Development Plans Review Division has reviewed the subject zoning item. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

The channelized commercial entrance shall be built per Baltimore County Department of Public Works Standard Plate R-31. Note that the concrete median will be built beyond the right-of-way line for York Road.

Also, the existing fire hydrant at the proposed York Road entrance must be located 5 feet beyond point of curve of

The submitted planting design needs considerably more vegetative bulk. The streetscape along Warren and York Roads must include significantly more major deciduous trees. Masses of low planting should also be a part of the streetscape area. The other landscape areas should be vegetated with layers of flowering trees and large growing shrubs. Submit a revised landscape plan for review prior to

This site is subject to all Development Regulations and requirements.

Printed with Soybean link on Recorded Paper

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Permits and Development Management

DATE: January 24, 1996

Pat Keller, Director Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 253 and 262

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

ITEM262/PZONE/ZAC1

Baltimore County Government Fire Department

700 East Joppa Road Towson, MD 21286-5500

Office of the Fire Marshal (410) 887-4880

DATE: 01/17/96

Zoning Agenda: SPECIAL EXCEPTION/VARIANCE

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: EXXON CORPORATION

LOCATION: SWC YORK RD. AND WARREN RD.

Gentlemen:

Item No.: 262

Pursuant to your request, the referenced property has been surveyed by this Eurgau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

∝cc: File

PETITION PROBLEMS

#254 --- JRA

1. No address, zip code, or telephone number on petition form for legal owner.

#255 --- MJK

1. Bottom of petition form states conditional approval was given - Where is it?

#259 --- MJK

No telephone number on petition forms for legal owner.

2. No signature for attorney on variance petition.

#262 --- JJS

No authorization for person signing for legal owner. No hardship or practical difficulty listed on petition form.

#264 --- JJS

1. Where is undersized lot information?

#265 --- CAM

No signature for legal owner on variance petition.

No telephone number for legal owner on petition forms. No signature for attorney on variance petition.

No review information completed on bottom of variance petition.

RE: PETITION FOR SPECIAL EXCEPTION BEFORE THE PETITION FOR VARIANCE SWC York and Warren Roads, 8th ZONING COMMISSIONER Election District, 4th Councilmanic OF BALTIMORE COUNTY -Exxon Corporation Petitioner CASE NO. 96-262-XA

ENTRY OF APPEARANCE

* * * * * * * * * * * * *

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

People's Counsel for Baltimore County

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

I HEREBY CERTIFY that on this ______ day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., and G. Scott Barhight, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorneys for Petitioner.



Mr. Arnold Jablon, Director May 31, 1996 Page 2

The larger canopy will better serve Exxon's customers by protecting them from the elements. I have attached three (3) copies of the proposed plan with revisions.

On November 15, 1995, the DRC granted a limited exemption under Section 26-171(b)(9) of the Baltimore County Development Regulations.

The proposed revisions to the site are within the spirit and intent of the Baltimore County Zoning Regulations and the previously approved plan in Case No. 96-262-XA. The only revision to the previously approved plan is placing a larger canopy and canopy extension on the site to better protect the general public and consumers at the site. Exxon respectfully requests that the revisions be approved within the spirit and intent of Case No. 96-262-XA.

Thank you for your consideration and I look forward to hearing from you soon. Should you have any questions or comments, please call me.

Very truly yours,

DKG:mbb

Enclosures

cc: Mr. Michael J. Specht (w/o enclos.) Mr. Timothy Whittie (w/o enclos.) in the interest of speed and economy, we are replying to your letter with mangnal notes.
If you need more information, do not hesitate to call or write.

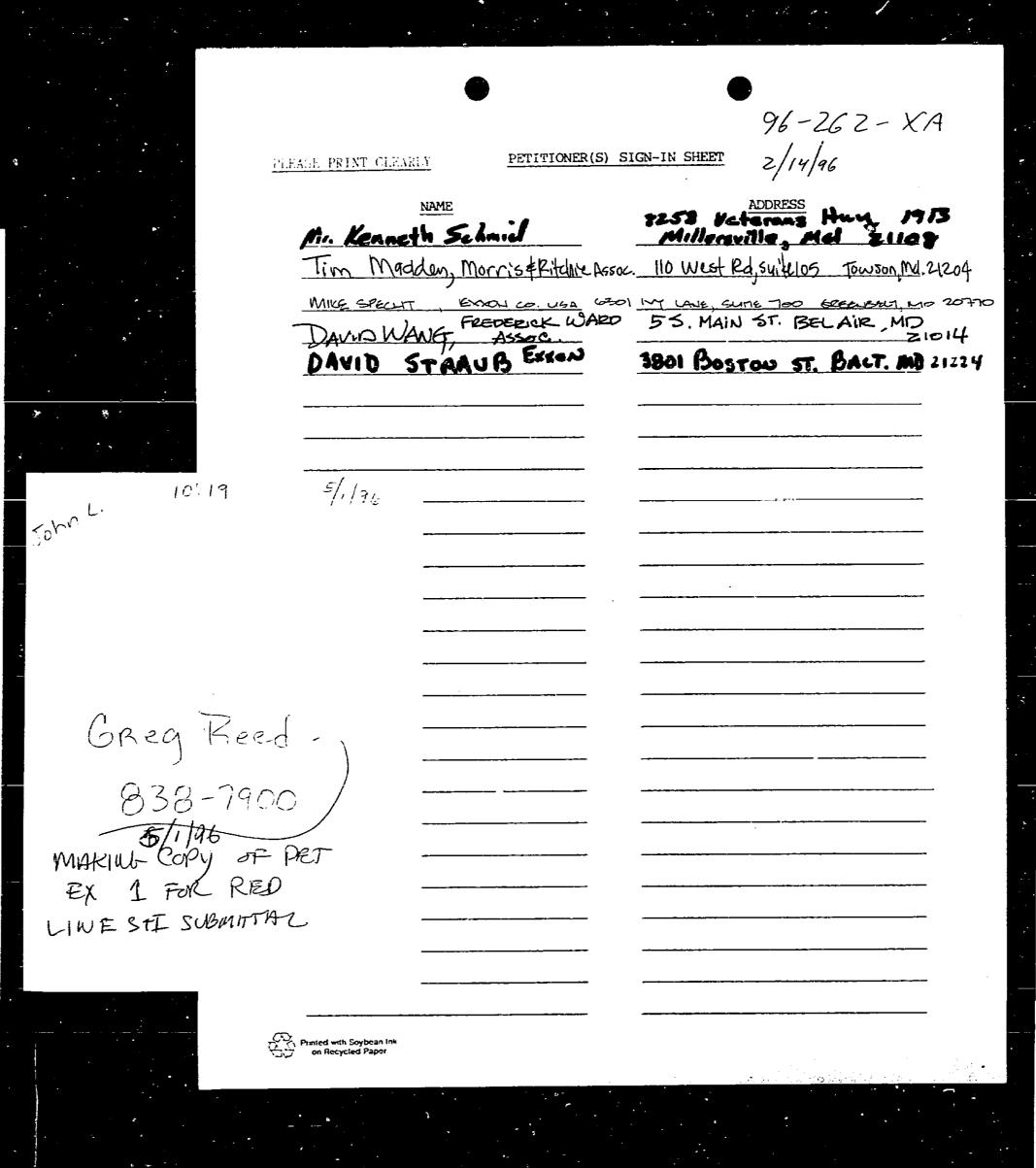
8th Election District

The red-lined plan revisions showing the canopy changes, which were received on 6/11/96, are approved as being within the spirit and intent of the approved plan and order in case #96-262-XA. No zoning public hearing will be required. Please document this afproval on all future plans.

> hn L. Lewis Planner II, Zoning Review

June 12, 1996

P.S.: A copy of this approved plan is being returned for your files.



BR-CNS 12-20-95 FREDERICK, WARD ASSOCIATES. INC. ENGINEERS-ARCHITECTS-SURVEYORS C.Y.F. S SOUTH MAIN STREET PLAT NO. JOB NO. (410)838-7900 (410)879-2090

96-3160 To: JLL WHITEFORD, TAYLOR & PRESTON 1025 CONNECTICITY AND THE TOTAL THE WASHINGTON, D.C. 20036-5405 (2015)
TELEPHONE 202 659-66000 FR (1) FAX 202 331-0573 1317 KING STREET ALEXANDRIA, VIRGINIA 22314-2928

TELEPHONE 703 836-5742

210 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4515 410 832-2000

DAVID K. GILDEA DIRECT NUMBER 410 832-2066 2029539@mcimail.com

SEVEN SAIMT PAUL STREET

RALTIMORE, MARYLAND 21202-162

TELEPHONE 410 347-8700

FAX 410 752-7092

30 COLUMBIA COMPORATE CENTER

10-140 LITTLE PATIDIENT PARKWAY

COLUMBIA, MARYLAND 21044

FAX 410 884-0719

May 31, 1996

VIA HAND DELIVERY

Mr. Arnold Jablon, Director Office of Permits & Development Management Room 109, 111 W. Chesapeake Avenue Towson, Maryland 21204

> Re: Spirit and Intent Request Exxon Station at 10410 York Road Case No. 96-262-XA Our File: 02951/00014

Dear Mr. Jablon:

Exxon Corporation, by and through its attorneys, David K. Gildea and Whiteford, Taylor & Preston L.L.P. hereby requests a revision to the previously approved plan within the spirit and intent of Case No. 96-262-XA.

On April 22, 1996, Zoning Commissioner Lawrence E. Schmidt granted a special exception to permit a fuel service station use and combination with a convenience store and a fast food restaurant with an ancillary use (automatic teller machine). I have attached a copy of Zoning Commissioner Schmidt's opinion and order for your review.

Exxon proposes to revise the previously approved special exception to change the previously approved canopy from 38' X 82' to 44' X 86'. Exxon also proposes to revise the previously approved canopy extension from 64'-10" X 16' to 58'-4" X 19'-3" feet. The proposed change in the canopy is to better serve the general public by providing more protection to individuals while fueling at the pump aisles.

76-262-XA

